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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,702	10/05/2001	Hajime Takei	018656-252	1791
<div>7590 03/12/2009</div> <div>Platon N. Mandros</div> <div>BURNS, DOANE, SWECKER & MATHIS, L.L.P.</div> <div>P.O. Box 1404</div> <div>Alexandria, VA 22313-1404</div>				
EXAMINER				
RILEY, MARCUS T				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
03/12/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

09/970,702

Applicant(s)

TAKEI ET AL.

Examiner

MARCUS T. RILEY

Art Unit

2625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 March 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-26.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625

/MARCUS T. RILEY/
Examiner, Art Unit 2625

Continuation of 11. The gist of Applicant's argument hinges on the fact that Farrell '426, Trovinger '967 or Jeyachandran '176 either alone or in combination does not disclose the elements of claim 1. Applicant argues that claim 1 discloses wherein a print server includes a first memory for storing specifications of the on-line printer and of the off-line finishing device, as well as information regarding options installed thereon. Applicant further argues that as a result of the information that is stored in the memory, the print server is able to create a finishing device job ticket that includes those functions that can be performed by the off-line finishing device. This feature avoids the creation of a ticket having functions that cannot be performed by the off-line finishing device. Moreover, Applicant claims that there is no teaching or suggestion in Farrell that the printer has any knowledge of the capabilities of the off-line system when generating the marker.

Examiner understands Applicant's argument and respectfully disagrees. Farrell '426, Trovinger '967 or Jeyachandran '176 either alone or in combination does not disclose the elements of claim 1. Examiner relies on the fact Farrell '426 at column 5, lines 11-22 discloses a memory where the finishing instructions can reside, for example, in the finishing element 18 itself, within a memory in the system 10, or in a networked or otherwise accessible (to controller 24) source. Once the alternate finishing instruction is retrieved, the system controller 24 can substitute the alternate finishing instruction for the entire finishing instruction, as illustrated in step 52. In this case, the print job can be completed with the alternate finishing instruction, executed by the compatible finishing equipment 18 on the print system, as illustrated in step 54.

Furthermore, at column 3, lines 16-17, teaches easy transition from on-line to off-line finishing. Farrell '426 also discloses a Finisher, #18 in Figure 2. Although, Farrell does not specifically disclose that the finisher #18 is off-line, nonetheless it is understood that it may be off-line because of easy transition thereof. Even though Farrell does not specifically disclose that the finisher #18 is off-line, Trovinger '967 makes up for this deficiency because Figures 6 and 7 discloses an off-line booklet maker. The booklet maker described herein concentrates finishing operations into a single module or modules suitable for off-line and in-line processing. Finishing operations such as trim, score/fold, punch, stack, and staple can be performed.

Thus, the finally rejected claims are still deemed unpatentable over the art of record and the applicant's arguments are not persuasive for the reasons set forth in the final rejection.